

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

SHAWANDA WHITLOW,

Plaintiff,

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

)CIVIL ACTION NO. 3:08-CV-00159-SRW

DEFENDANT'S MOTION FOR EXTENSION

COMES NOW the Commissioner of Social Security, by Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests an extension of time within which to file his Brief:

1. In support of this Motion, the Commissioner advises the Court that the Office of the General Counsel for the Social Security Administration in Kansas City, which is responsible for preparing the briefs in these matters, has been diligently attempting to keep up with their various Social Security obligations. These obligations include preparing District Court briefs for eleven judicial districts and appellate briefs for ten districts in five circuits as well as handling discrimination complaints by employees and Social Security applicants, personnel actions for the Merit Systems Protection Board, bankruptcy matters, state and federal court subpoenas, federal tort claims act cases, disability class actions and various formal and informal legal advice. The attorneys at the Social Security Administration, Office of General Counsel in Kansas City are diligently attempting to cope with the workload that they face.

2. Defendant's Brief is due to the Court on August 18, 2008.

MOTION GRANTED

THIS 20th DAY OF 20th, 008

UNITED STATES MAGISTRATE JUDGE

3. No previous motions for an extension of time to file Defendant's brief have been filed.

4. There are no other court imposed deadlines.

5. An extension of time will not pose a hardship on the parties.

6. Plaintiff has been contacted and does not object to Defendant's request.

WHEREFORE, Defendant respectfully prays that the Court grant an extension of time to and including Wednesday, September 17, 2008, to file his Brief.

LEURA G. CANARY
United States Attorney

By: s/R. Randolph Neeley
R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
Facsimile No.: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

Of Counsel for the Defendant:

Kristi A. Schmidt, Acting Chief Counsel
Social Security Administration, Region VII
Stacy A. Morgan, Assistant Regional Counsel
Richard Bolling Federal Building
601 East 12th Street, Suite 535
Kansas City, Missouri 64106

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Plaintiff's attorney, R. Michael Booker, Esquire.

s/R. Randolph Neeley
Assistant United States Attorney